

84 means for generating [a] the subscriber profile [based on the subscriber selections and the source material].

Remarks

Status

The Examiner rejected claims 20-51 (all of the pending claims). It is submitted that the claims are patentable over the cited references for at least the reasons discussed below.

Discussion

The Examiner rejected claims 46 and 47 under 35 U.S.C. §112 second paragraph as being indefinite since the claims were exact duplicates of claims 37 and 38. Applicants have amended claims 46 and 47 to depend from claim 39. As such, the claims are not duplicates and the rejection should accordingly be withdrawn.

The Examiner rejected claims 20-26, 28-43 and 45-51 under 35 U.S.C. §102(e) as being anticipated by *Williams et al.* (U.S.P. 5,977,964). The Examiner rejected claims 27 and 44 as being unpatentable over *Williams et al.* Claims 20-28, 31-36, 39-42, 44 and 46-51 have been amended. It is submitted that the claims are patentable over the cited references for at least the reasons discussed below.

Independent claim 20 is directed to a method for generating a subscriber profile vector for a subscriber in a client-server based architecture. The method includes monitoring subscriber viewing activities including requests for source material, retrieving source related information corresponding to the requested source material, retrieving heuristic rules associated with the source related information, and processing the subscriber selection data with respect to the source related information and the heuristic rules to generate the subscriber profile vector. It is submitted that *Williams et al.* do not disclose or suggest the retrieval of heuristic rules, how heuristic rules could be used, let alone generating a profile based on the heuristic rules.

On pages 4 and 5 of the Office Action, with respect to claim 31, the Examiner asserts that “a set of heuristic rules is stored in order to build and update a viewers profile and to identify new viewers (see column 2, lines 11-21, column 9, lines 11-16)”. The Applicant submits that the Examiner's assertion is clearly erroneous. The sections of *Williams et al.* that the Examiner relies on for supporting his assertion disclose nothing more than the fact that a user profile is generated based at least in part on user interaction and access time (col. 2) and that a new user can be identified (col. 9). Fig. 8 and the associated text from col. 5, line 51 – col. 8, line 14 clearly illustrate that the profile is nothing more than a collection of data (i.e., preferences) about the subscriber. For example, the profile may include the type of programs and volume that are typically watched by the viewer for each channel. As the profile is nothing more than a compilation of data, there is clearly no reason to apply rules in order to generate the profile.

Moreover, there is no disclosure or suggestion in the specification of *Williams et al.* that applying any type of rules, let alone heuristic rules associated with source related information as required by claim 20, would be of any use in generating or modifying in any manner the profile (i.e., statistical data) illustrated in Fig. 8.

Fig. 10A and 10B of the current application illustrate some exemplary heuristic rules associated with source related information. For example, as illustrated in Fig. 10A, an individual watching the soap opera “Days of our lives” will be equated with a housewife. As illustrated in Fig. 10B, an individual watching the news has a 40% probability of being over the age of 70. Applying these heuristic rules enables the current invention to develop a profile of the subscriber as illustrated in Fig. 15. There is clearly nothing in *Williams et al.* that discloses or suggests these type of heuristic rules, or generating a profile based on these rules. Furthermore, there is no disclosure or suggestion of a profile having probabilistic measures of earnings, age or other profile type data as disclosed in the current application or that such a profile would be of any use in the *Williams et al.* system.

The profile described in *Williams et al.* is so that the system can be configured to the specific preferences of each individual using the system. The *Williams et al.* profile captures the preferences of users and then configures the system according to their preferences. As disclosed from col. 10, lines 26 – col. 11 line 21, the users of the *Williams*

et al. system are known (i.e., the system displays a picture of the most likely current user, the user teaches the system their preferences either by selecting the preferences or filling out a survey, or the voice of the user is identified). Since the users and their preferences are known there would be absolutely no need to apply rules to further define a profile of the user.

For at least the reasons advanced above, it is clear that *Williams et al.* do not disclose or suggest retrieving heuristic rules or generating a profile based on the heuristic rules, as required by claim 20. Accordingly, claim 20 is submitted to be patentable over *Williams et al.* Moreover, claims 21-30 depend from claim 20 and are therefore submitted to be patentable over *Williams et al.* for at least the reasons addressed above with respect to the patentability of claim 20, and for the further features recited therein.

For example claim 21, recites retrieving heuristic rules associated with time durations, and claim 22 recites retrieving heuristic rules associated with volume levels. As discussed above *Williams et al.* do not disclose or suggest retrieving or applying rules associated with any subscriber activities (including time durations or volume levels) to generate the *Williams et al.* profile (i.e., statistical preference data) or to modify it in any meaningful manner.

Claim 23 recites that the heuristic rules define demographics. There is no disclosure in *Williams et al.* that the profile describes demographics let alone that a demographic profile is generated based on heuristic rules associated with the source material. On page 3 of the action, the Examiner asserts that this claim “merely reads on the fact that the system identifies adults and children using the system in order to present appropriate advertisements (see column 6, lines 40-44)”. The applicant respectfully disagrees. This passage merely states that if the system determines that a child (or adult) is using the system certain ads may be provided. It does not disclose or suggest that the profile identifies the demographics (i.e., child or adult) of the user. To the contrary as illustrated in Fig. 8, the profile is nothing more than preferences associated with each user. Therefore, the passage referred to by the Examiner must disclose that the demographics of the user are determined by knowing who the user is (by matching the viewing choices to the profile) associated with the profiles and not that the profile identifies the demographics.

As such, *Williams et al.* clearly does not disclose or suggest generating a demographic profile based on heuristic rules as required by claim 23.

For at least the above noted reasons the rejections of claims 20-30 should accordingly be withdrawn.

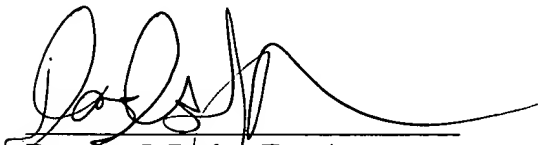
Independent claims 31, 36, 39 and 48 recite features that are similar to those recited in claim 20. As such it is submitted that claims 31, 36, 39 and 48 are patentable over *Williams et al.* for at least similar reasons to those described with respect to claim 20. Moreover, the claims that depend therefrom are submitted to be patentable for at least the reasons described with respect the independent claims and for the features further recited therein. As such, the rejection of claims 31-51 accordingly should be withdrawn.

Conclusion

For the foregoing reasons, Applicant respectfully submits that claims 20-51 are in condition for allowance. Accordingly, early allowance of claims 20-51 is earnestly solicited.

If the Examiner believes that a conference would be of value in expediting the prosecution of this Application, the Examiner is hereby invited to contact the undersigned attorney to set up such a conference.

Respectfully submitted,


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Date: 9/5/01

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